

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

776T0549

HOUSE BILL NO. 1124

Introduced by: Representatives Perry, Gibson, and Verchio and Senators Schlekeway,
Brown, and Lederman

1 FOR AN ACT ENTITLED, An Act to permit a school district, at the discretion of the school
2 district, to pay the fees charged for any criminal background investigation that is required
3 by law for a prospective employee.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 13-10-12 be amended to read as follows:

6 13-10-12. Each person over eighteen years of age hired by a school district shall submit to
7 a criminal background investigation, by means of fingerprint checks by the Division of Criminal
8 Investigation and the Federal Bureau of Investigation. The school district shall submit
9 completed fingerprint cards to the Division of Criminal Investigation before the prospective new
10 employee enters into service. If no disqualifying record is identified at the state level, the
11 fingerprints shall be forwarded by the Division of Criminal Investigation to the Federal Bureau
12 of Investigation for a national criminal history record check. Any person whose employment is
13 subject to the requirements of this section may enter into service on a temporary basis pending
14 receipt of results of the criminal background investigation. The employing school district may,
15 without liability, withdraw its offer of employment or terminate the temporary employment



1 without notice if the report reveals a disqualifying record. ~~Any person whose employment is~~
2 ~~subject to the requirements of this section shall pay any fees charged for the criminal record~~
3 ~~check. The employing school district may pay any fees charged for the cost of fingerprinting or~~
4 ~~the criminal background investigation for any person whose employment is subject to the~~
5 ~~requirements of this section.~~ Any person hired to officiate, judge, adjudicate, or referee a public
6 event sponsored by a school district is not required to submit to a criminal background
7 investigation as required in this section. In addition, any person employed by a postsecondary
8 technical institute is not required to submit to a criminal background investigation as required
9 in this section, unless the person is a teacher who teaches an elementary or secondary level
10 course in an elementary or secondary school facility, or unless the person is an employee, other
11 than a teacher, whose work assignment includes working in an elementary or secondary school
12 facility.

13 The criminal investigation required by this section with respect to a student teacher
14 completing requirements for teacher certification shall be conducted by the school district. A
15 criminal background investigation, of a student teacher, conducted by a school district may be
16 provided to any other school in which the student engages in student teaching. The school
17 district conducting the criminal background investigation of a student teacher may rely upon the
18 results of that investigation for employment of that person as an employee of the district.